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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,007	03/16/2004	Shogo Saramaru	250437US3X	1587
22850	7590	11/14/2006	EXAMINER	
C. IRVIN MCCLELLAND OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			GREENHUT, CHARLES N	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 11/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No:

10/801,007

Applicant(s)

SARAMARU ET AL.

Examiner

Charles N. Greenhut

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10 and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

I. Request for Continued Examination

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/29/06 has been entered.

II. Claim Objections

1. Claim 17 improperly depends from cancelled claim 16. For purposes of examination on the merits it is assumed that claim 17 should depend from claim 10.

III. Claim Rejections - 35 USC § 112

The following is a quotation from the relevant paragraphs of 35 U.S.C. 112:

(2) The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 10 and 17-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - 1.1. With respect to claim 10, it is unclear what is meant by the phrase “operatively associated” in line 1.
 - 1.2. Claim 10 recites a “relatively movable carrier” in line 20. It is unclear what the relatively movable carrier is relatively moveable with respect to.
 - 1.3. Claim 10 recites “a carrier device” in line 2 and a “relatively movable carrier” in line 20. Applicant has apparently chosen the same term, “carrier” for two distinct elements rendering the claim unclear.

1.4. With respect to claim 20, the phrase, "arranged along an outer periphery of the article" in lines 2-3 renders the claim indefinite because the article has only been previously set forth as the object of functional recitations. Relating the positions of the temporary holding members to that of the article would imply that the article is a required component of the claimed processing apparatus, a limitation not previously set forth. Clarification is required.

IV. Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim(s) 10 and 17-20 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over HIROKI (US 6,709,521 B1) in view of FUJIKAWA (US 5,979,306 A) and KROEKER (US 6,000,227 A).

1.1. With respect to claim 10, HIROKI discloses the transferring device including temporary holding members (37) having a plurality of vertically mounted rotatable shafts (shown not labeled) and main bodies (37) radially projecting therefrom, switchable between a holding position and a retracted position (Fig. 3), a position switcher (38), a relatively movable carrier (26) and temporary holding members transferring the article to the process position one the holder (23) with movement of the holder (23). As best illustrated in Fig. 2, HIROKI has the temporary holding members mounted outside the chamber that is created by moving table (23) as

opposed to within the skirt of the top side of a pressure vessel as claimed. The structure of the pressure vessel itself, including a skirt portion is well-known as demonstrated, for example, by FUJIKAWA in Fig. 2. HIROKI contemplates adaptation for use with a variety of process (Col. 1 Li. 20-21). It would have been obvious to one of ordinary skill in the art to use the transferring apparatus of HIROKI in the processing vessel of FUJIKAWA as implicitly suggested by HIROKI. With respect to the location of the temporary holding member, i.e., within the top portion of the vessel, while having an actuation member outside the vessel, this modification is taught by KROEKER which shows holding members (120) attached to a shaft (158) extending through lid (103) a position switcher (148)/(154) on an outside of the chamber. It would have been obvious to one of ordinary skill in the art to modify HIROKI to mount the holding members within the pressure vessel lid in order to reduce the space required below the processing chamber.

- 1.2. With respect to claims 17-20, both HIROKI and KROEKER additionally disclose the holding member main bodies, including first and second article supporting portions, a projecting portion arranged along a periphery of the article. This feature is well-known and clearly shown in both references, as previously asserted and not contested by applicant.

V. Response to Applicant's Arguments

Applicant's arguments entered 8/2906 have been fully considered.

1. Applicant argues that claim 10, as amended, is not anticipated by HIROKI because of the newly recited limitations directed to the structure of the vessel, and the position of the

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temporary holding members and actuator therefor with respect to the vessel. This argument is persuasive and the rejection under 102(b) over HIROKI is therefore withdrawn. Upon further consideration however, a new grounds of rejection over HIROKI in view of FUJIKAWA and KROEKER is presented above.

VI. Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles N. Greenhut whose telephone number is (571) 272-1517. The examiner can normally be reached on 7:30am - 4:00pm EST.
3. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.
4. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CG


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